

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

BRANDON TODD,)	
Plaintiff,)	
)	
v.)	Civil No. 3:17-cv-0012
)	
CHAD BLAKE)	
Defendant.)	
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)	
CHAD BLAKE,)	
Counterclaimant,)	
)	
v.)	
)	
BRANDON TODD,)	
Counterclaim Defendant.)	
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APPEARANCES:

LEE J. ROHN, Esq.

LEE J. ROHN & ASSOCIATES, LLC

ST. CROIX, VI

FOR THE PLAINTIFF AND THE COUNTERCLAIM DEFENDANT BRANDON TODD,

CHRISTOPHER ALLEN KROBLIN, Esq.

KELLERHALS FERGUSON KROBLIN, PLLC

ST. THOMAS, VI

FOR THE DEFENDANT AND COUNTERCLAIMANT CHAD BLAKE.

ORDER

BEFORE THE COURT is Defendant/Counterclaimant Chad Blake's ("Blake") Motion for Summary Judgment. (ECF No. 205.) Also before the Court is Blake's motion to strike certain responses to Blake's statement of facts. (ECF No. 219.) For the reasons stated in the accompanying Memorandum Opinion of even date, it is hereby

ORDERED that Blake's Motion for Summary Judgment. ECF No. 205, is **DENIED, in part and GRANTED, in part.** The motion for summary judgment is **DENIED** as to counts Two (Breach of 13 V.I.C. § 1409) and Three (Conversion). The motion for summary judgment is **GRANTED** as to count Five (Action for Accounting). It is further

ORDERED The motion is granted, in part, and denied in part as to count IV (Fraud/Fraud in the Inducement). Summary judgment is granted as to Count Four regarding the precontractual promises regarding: (1) Blakes alleged promise to contribute the Alyeska to Virgin Diving but failure to do so; (2) Blake's alleged misrepresentation of the condition of the vessel Alyeska and the projected costs to repair the vessel; (3) Blake's alleged misrepresentation of the ability to purchase a dive shop; and (4) Blake's alleged misrepresentation that Blake had no other obligations outside of Virgin Diving. Summary judgement is denied as to all remaining allegations of fraud. It is further,

ORDERED that Blake's Motion to Strike Certain Responses to Blake's Statement of Facts, ECF No. 219, is **DENIED**.

Dated: March 28, 2023

/s/ Robert A. Molloy
ROBERT A. MOLLOY
Chief Judge